<u>REMARKS</u>

Claims 1-16 remain in this application. No claims have been amended. Applicants respectfully request reconsideration of the rejections and further examination in view of the following.

Rejection of Claims 1, 4-9 and 12-16 Under 35 U.S.C. § 103(a) — Sweeney et al. and Lok et al.

Claims 1, 4-9 and 12-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sweeney (U.S. Patent Application Publication No. 2002/083168 to Sweeney et al.) in view of Lok (U.S. Patent Application Publication No. 2004/0049530 to Lok et al.). Applicants respectfully traverse this rejection.

The invention as it is recited in these claims relates to a networked system and method in which a graphical proxy server sends graphical commands to a monitored terminal and monitoring terminal that cause the monitored terminal to display (an interactive or bidirectional) graphical user interface, such that the graphical commands sent to the monitoring terminal allow personnel at the monitoring terminal to see what actions a user is taking or has taken on the monitored terminal.

The Examiner apparently cites Sweeney solely because it discloses a computer network in which a supervisor terminal can be used to monitor actions occurring on user terminals. The Sweeney system is similar in this broad regard to many other systems in which one computer can be used to view what is occurring on the screen of another computer. However, none of these systems is believed to be operate by monitoring <u>graphical commands</u> exchanged with the monitored terminal. Indeed, the Examiner acknowledges that Sweeney does not describe sending graphical commands and therefore cites Lok.

Lok discloses a "user interface toolkit," which is software that provides an application programming interface (API) through which a programmer can incorporate a graphical user interface (GUI) into the application programs he writes. (See Lok, ¶ 0035.) The toolkit allows the programmer to write an application program that, when executed on a server computer, will transmit codes that cause the user's client computer to draw or render on the screen the various graphical buttons, checkboxes and other graphical items that are characteristic of GUIs. As shown in Fig. 3 of Lok, a portion of the toolkit resides on the server along with the application

program, and a portion resides on the user's client computer. As with any such client-server GUI, the client reports the user's interaction with the GUI items back to the server for use by the application program. Lok provides examples of how the toolkit can be used to enable a programmer to write a client-server GUI-intensive application program, such as a Web browser (Fig. 7) or spreadsheet (Fig. 8).

Applicants respectfully submit that Sweeney's disclosure of the general concept of a computer network in which a supervisor terminal can be used to monitor actions occurring on user terminals would not have motivated a person of ordinary skill in the art to have used a graphical proxy server to not only send GUI commands to a user terminal but further to send GUI commands indicative of actions taken on that terminal to another terminal so that someone else can see exactly what is occurring on the user's terminal. While Lok indeed relates to GUI graphics in at least a general sense, Lok says nothing at all about monitoring; Lok teaches no more that is relevant to the claimed invention than any other GUI-based client-server system in which the server sends commands to the client to cause the client to draw graphics. Therefore, by the Examiner's reasoning, the entire motivation for considering the problem of remotely monitoring a graphics-based system would have to come from Sweeney. But as the Examiner acknowledges, Sweeney does not say anything at all about graphics or graphical commands.

Sweeney's contribution to the present obviousness/non-obviousness analysis is thus little more than a bare suggestion that remote monitoring of computer terminals can be beneficial. This bare suggestion does not compel a conclusion that a person of ordinary skill in the art would then have desired to or, moreover, been able to, create systems for remotely monitoring every known kind of computer-based system. (And thus it is believed that a *prima facie* case of obviousness cannot properly be raised merely by citing a secondary reference to show that the relevant genre of computer-based system was known in the art.) Applicants respectfully submit that Sweeney's mere teaching of monitoring a remote computer would not by itself have enabled a person of ordinary skill in the art to have implemented a system that uses a graphical proxy server to monitor a graphics terminal from another terminal by sending graphical commands to both terminals. On the contrary, as one can appreciate by noting the relative complexity of the exemplary proxy server system shown in Figs. 3 and 4 of Applicants' specification, doing so is

hardly a straightforward matter. Neither Sweeney nor Lok either suggests the desirability of or provides any guidance to a person of ordinary skill in the art on making a workable system that uses a graphical proxy server to monitor one terminal from another terminal by sending graphical commands to both terminals. Sweeney says nothing about how one might go about monitoring a networked graphics-based terminal, such as the telephone-like terminal shown in Applicants' Fig. 1. In Applicants' invention, as recited in the claims, a graphical proxy server (see Figs. 3-4) sends graphical commands to both the monitored and monitoring terminals. This is Applicants' own novel solution, is what is clearly set forth in the claims, and is not believed to be suggested by the teachings of the cited references. The combined teachings of Sweeney and Lok simply would not have led a person to have considered the claimed invention.

For at least the reasons discussed above, Applicants respectfully submit that the invention would not have been obvious to a person of ordinary skill in the art. Applicants therefore request reconsideration and withdrawal of this rejection of claims 1, 4-9 and 12-16.

Rejections of Claims 2 and 10 Under 35 U.S.C. § 103(a) — Sweeney et al., Lok et al. and Dettmer

Claims 2 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sweeney et al. in view of Lok et al. and further in view of Dettmer ("Packet Phone," IEE Review). Applicants respectfully traverse this rejection.

Claims 2 and 10 recite that the monitored terminal communicates not only graphics but also packetized voice signals over the network. Dettmer is a 1998 article describing generally how computers and certain specialized telephones can be used to conduct voice conversations over the Internet, much like conventional telephones are used to conduct voice conversations over the Public Switched Telephone Network. Dettmer says nothing about graphics or graphics terminals. As described in Applicants' specification (see also Fig. 1), Applicants' invention can advantageously be used to monitor a telephone-like device that has a graphical display, in which the graphics data is transmitted to and from the device over the same network over which the (packetized) voice data is transmitted. Applicants respectfully submit that the mere knowledge that users can carry on voice conversations over the Internet would not have led a person of ordinary skill in the art to have considered a system for monitoring actions occurring on voice/data terminal's graphical display by sending graphical commands from a graphical proxy

server over the same network as that which over which voice data is sent to and from the voice/data terminal. Nowhere in the cited art is there a teaching or suggestion of monitoring the GUI of such a voice/data terminal.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of this rejection of claims 2 and 10.

Rejections of Claims 3 and 11 Under 35 U.S.C. § 103(a) — Sweeney et al., Lok et al., Dettmer and Harris

Claims 3 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sweeney et al. in view of Lok et al. and Dettmer and further in view of Harris (U.S. Patent Application Publication No. 2004/0013243). Applicants respectfully traverse this rejection.

Applicants respectfully disagree with the Examiner's statement that "[o]ne would have been motivated to add storing audio signals in an audio file to Sweeney, Lok and Dettmer because Sweeney, Lok and Dettmer disclose monitoring terminal events, including voice events, therefore recording these voice events is a natural extension of monitoring these events." For one thing, Lok relates to enabling programmers to create distributed GUIs for their application programs and does not disclose anything about monitoring remote terminals for user interaction, and Dettmer does not disclose anything at all relating to monitoring. Of the cited references, only Sweeney discloses monitoring a remote terminal for user interface interaction. As the Examiner acknowledges, none of these references discloses storing audio files. The Examiner therefore cites Harris. Harris discloses a telephone message system, somewhat like a telephone answering machine, in which telephone messages are recorded for later playback.

Applicants fail to see how the existence of something along the lines of a telephone answering machine would have motivated a person of ordinary skill in the art to have considered monitoring, i.e., recording, voice signals in the same system in which actions occurring on a voice/data terminal's graphical display are also monitored by sending graphical commands from a graphical proxy server over the same network as that which over which voice data is sent to and from the voice/data terminal. It is the obviousness or non-obviousness of the <u>claim as a whole</u> that must be considered. That the Examiner relies upon the combined teachings of <u>four separate references</u> suggests that the Examiner may be improperly employing hindsight to reconstruct the claimed invention in an element-by-element manner using Applicants' own

disclosure and claims as a parts list to pick and choose from among otherwise unrelated references. That individual features of the invention may have been known in the prior art, such as the fact that telephone answering machines record calls, would not have by itself motivated a person of ordinary skill in the art to have utilized their combined teachings to arrive at the invention as claimed. The Examiner sets forth no compelling statement of a teaching, suggestion or motivation in the prior art for utilizing the combined teachings of the cited references in the manner claimed. Rather, the Examiner states: "Sweeney, Lok and Dettmer disclose the communications system of claim 2 but do not disclose the voice signals are also stored in an audio file. Harris discloses voice signals that are also stored in an audio file. Therefore, it would have been obvious to one having ordinary skill in the art . . . ." This is not a proper statement of a reason why one would naturally have combined the knowledge in the prior art into what is set forth in claims 3 and 11.

Applicants also further respectfully submit that the Examiner's statement to the effect that recording voice signals that originate at a monitored (voice/graphics) terminal is a "natural extension" of monitoring is not a proper substitute for pointing to a reason in the art for a person of ordinary skill to have done so. None of the references discloses anything that would motivate a person to consider recording packetized voice signals that originate at a dual-purpose voice/graphics terminal.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of this rejection of claims 3 and 11.

CONCLUSION

For the above reasons, it is believed that all grounds of rejection have been overcome and/or successfully traversed and that the Application is now in condition for allowance. Therefore, it is respectfully requested that the rejection of the claims be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, please contact Bobby Slaton at (972) 477-1497.

Respectfully submitted,

GARDNER GROFF GREENWALD & VILLANUEVA, P.C.

Dated: August 7, 2007

/Lawrence D. Maxwell/

Lawrence D. Maxwell, Reg. No. 35,276

Customer Number 24587
GARDNER GROFF GREENWALD & VILLANUEVA, P.C.
tel: 770.984.2300
fax: 770.984.0098